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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|                        |                         |
|------------------------|-------------------------|
| Application Number     | 09/782,650              |
| Filing Date            | February 12, 2001       |
| First Named Inventor   | Arnold J. Levine et al. |
| Group Art Unit         | 1645                    |
| Examiner Name          | Not yet assigned        |
| Attorney Docket Number | 20553D000611            |

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|   |  |  |
|---|--|--|
| ENCLOSURES (check all that apply)   |  |  |
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input checked="" type="checkbox"/> Amendment / Response<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input checked="" type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input checked="" type="checkbox"/> Information Disclosure Statement - Supplemental<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><br><input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br>Return Postcard |
| Remarks   |  | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.   |
| Communication Under 37 CFR 1.821-1.825 and Preliminary Amendment Sequence Listing (in paper format and computer readable format) 4 References   |  |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                          |                                    |                |
|--------------------------|------------------------------------|----------------|
| Firm and Individual name | Townsend and Townsend and Crew LLP |                |
|                          | Andrew T. Serafini, Ph.D.          | Reg No. 41,303 |
| Signature                |                                    |                |
| Date                     | October 4, 2001                    |                |

## CERTIFICATE OF MAILING

|  |                |                 |
|--|----------------|-----------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: |                |                 |
| October 4, 2001  |                |                 |
| Typed or printed name  | Kathy Johnston |                 |
| Signature  |                | Date            |
|  |                | October 4, 2001 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. PA 3174747 v1

**FEE TRANSMITTAL**  
**for FY 2001**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$) 920

**Complete if Known**

|                      |                         |
|----------------------|-------------------------|
| Application Number   | 09/782,650              |
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| First Named Inventor | Arnold J. Levine et al. |
| Examiner Name        | Not yet assigned        |
| Group Art Unit       | 1645                    |
| Attorney Docket No.  | 20553D-000611US         |

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**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 20-1430

Deposit Account Name: Townsend and Townsend and Crew LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION**

**1. BASIC FILING FEE**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description        | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101            | 710             | 201            | 355             | Utility filing fee     |          |
| 106            | 320             | 206            | 160             | Design filing fee      |          |
| 107            | 490             | 207            | 245             | Plant filing fee       |          |
| 108            | 710             | 208            | 355             | Reissue filing fee     |          |
| 114            | 150             | 214            | 75              | Provisional filing fee |          |

**SUBTOTAL (1)** (\$)

**2. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| -20**              |              | X              |          |
| -3**               |              | X              |          |
| Multiple Dependent |              | X              |          |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description  | Fee Paid |
|----------------|-----------------|----------------|-----------------|--|----------|
| 103            | 18              | 203            | 9               | Claims in excess of 20                                     |          |
| 102            | 80              | 202            | 40              | Independent claims in excess of 3                          |          |
| 104            | 270             | 204            | 135             | Multiple dependent claim, if not paid                      |          |
| 109            | 80              | 209            | 40              | ** Reissue independent claims over original patent         |          |
| 110            | 18              | 210            | 9               | ** Reissue claims in excess of 20 and over original patent |          |

**SUBTOTAL (2)** (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description  | Fee Paid |
|----------------|-----------------|----------------|-----------------|--|----------|
| 105            | 130             | 205            | 65              | Surcharge - late filing fee or oath  |          |
| 127            | 50              | 227            | 25              | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139            | 130             | 139            | 130             | Non-English specification  |          |
| 147            | 2,520           | 147            | 2,520           | For filing a request for reexamination                                     |          |
| 112            | 920*            | 112            | 920*            | Requesting publication of SIR prior to Examiner action                     |          |
| 113            | 1,840*          | 113            | 1,840*          | Requesting publication of SIR after Examiner action                        |          |
| 115            | 110             | 215            | 55              | Extension for reply within first month                                     |          |
| 116            | 390             | 216            | 195             | Extension for reply within second month                                    |          |
| 117            | 890             | 217            | 445             | Extension for reply within third month                                     | 920      |
| 118            | 1,390           | 218            | 695             | Extension for reply within fourth month                                    |          |
| 128            | 1,890           | 228            | 945             | Extension for reply within fifth month                                     |          |
| 119            | 310             | 219            | 155             | Notice of Appeal   |          |
| 120            | 310             | 220            | 155             | Filing a brief in support of an appeal                                     |          |
| 121            | 270             | 221            | 135             | Request for oral hearing   |          |
| 138            | 1,510           | 138            | 1,510           | Petition to institute a public use proceeding                              |          |
| 140            | 110             | 240            | 55              | Petition to revive - unavoidable   |          |
| 141            | 1,240           | 241            | 620             | Petition to revive - unintentional   |          |
| 142            | 1,240           | 242            | 620             | Utility issue fee (or reissue)   |          |
| 143            | 440             | 243            | 220             | Design issue fee   |          |
| 144            | 600             | 244            | 300             | Plant issue fee  |          |
| 122            | 130             | 122            | 130             | Petitions to the Commissioner  |          |
| 123            | 50              | 123            | 50              | Petitions related to provisional applications                              |          |
| 126            | 180             | 126            | 180             | Submission of Information Disclosure Stmt                                  |          |
| 581            | 40              | 581            | 40              | Recording each patent assignment per property (times number of properties) |          |
| 146            | 710             | 246            | 355             | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149            | 710             | 249            | 355             | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179            | 710             | 279            | 355             | Request for Continued Examination (RCE)                                    |          |
| 169            | 900             | 169            | 900             | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 920

**SUBMITTED BY**

|                   |                           |                                   |        |           |                 |
|-------------------|---------------------------|-----------------------------------|--------|-----------|-----------------|
| Name (Print/Type) | Andrew T. Serafini, Ph.D. | Registration No. (Attorney/Agent) | 41,303 | Telephone | 650-326-2400    |
| Signature         |                           |                                   |        | Date      | October 4, 2001 |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/782,650         | 02/12/2001          | Arnold J. Levine      | 20553D-000611US        |

CONFIRMATION NO. 7053

## FORMALITIES LETTER



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Date Mailed: 08/02/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, doesnot include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may,however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a)accompanied by the appropriate fee (37 CFR 1.17(a)).

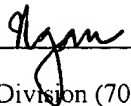
A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE